IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 26973 of 2007(J)

PETITIONER:

K.RAVINDRA KUMAR,
ILLATHUKALAM,OLASSERY P.O., PALAKKAD.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:
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1. **REGIONAL TRANSPORT AUTHORITY,**
   REPRESENTED BY ITS SECRETARY,
   PALAKKAD.

2. **THE SECRETARY, RTA, PALAKKAD.**

3. **P.GANGADHARAN, S/O.PONNUCHAMY,**
   KARALKOTTU HOUSE, THEKKEKUNNAM,
   P.O.KOTTEKKAD, PALAKKAD.

4. **STATE TRANSPORT APPELLATE TRIBUNAL,**
   ERNAKULAM.

BY ADV. SRI.G.HARIHARAN
BY GOVERNMENT PLEADER SRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/10/2007, THE COURT ON 30/10/2007 DELIVERED THE FOLLOWING:

W.P.(C) NO.26973/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PROCEEDINGS OF THE RTA, PALAKKAD DT. 25.5.06.

EXT.P2:- COPY OF THE NOTIFICATION DT. 9.5.07.

EXT.P3:- COPY OF THE REPRESENTATION SUBMITTED BY THE BUS OPERATORS.

EXT.P4:- COPY OF THE REPRESENTATION SUBMITTED BY THE BUS PETITIONER DT. 24.8.07.

EXT.P5:- COPY OF THE DECISION OF THE RTA DT. 26.4.07.

RESPONDENTS EXHIBITS

EXT.R3(a):- COPY OF THE PROCEEDINGS NO. G1/23757/04/P DT. 1.10.07 ISSUED BY THE SECRETARY R.T.A., PALAKKAD.

EXT.R3(b):- COPY OF THE PROCEEDINGS OF THE RTA, PALAKKAD IN ITEM NO.6 RELATING TO THE METTING HELD ON 17.9.07.

EXT.R3(c):- COPY OF THE JUDGMENT IN WPC NO.2535/07 DT. 26.2.07.

/TRUE COPY/

P.S. TO JUDGE

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ANTONY DOMINIC, J.

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W.P.(C) No. 26973 OF 2007 J
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Dated this the 30th October, 2007

J U D G M E N T

The prayers sought for in the writ petition are to direct respondents 1 and 2 to consider and pass orders on Exts. P3 & P4 representations and to declare that no new permit can be issued in the route appended to Ext. P2 notification pending finalisation of the same.

2. The facts in the case show that the petitioner is a stage carriage operator in the route Palakkad-Malampuzha. While so, the 3rd respondent was granted permit on the route Palakkad – Venoli. According to the petitioner, since prior to the issue of permit to the 3rd respondent Ext. P2 notification came into force prohibiting entry of private operators on the route appended to the notification and that overlooking this and overruling the objections raised, by Ext. P1, regular permit was granted to the 3rd respondent subject to settlement of timings. According to the petitioner, though it was decided to grant regular permit timings

were not settled and permits were in fact not issued. In the meantime, Ext. P2 notification came into force and as a result thereof, new entry on the route appended to the notification is not permitted. It is on that basis Exts. P3 and P4 representations were made by the petitioner against the grant of permit and thereafter this writ petition has been filed.

3. The 3rd respondent in the counter affidavit states that after settlement of timings by Ext. R3(a) proceedings dated 1-10-2007, permit has already been issued and service has also commenced. The 3rd respondent would also contend that on the merits also there is no substance in the contentions raised by the petitioner. He has also made reference to Ext. R3(c) judgment of this Court wherein the settlement of timings was directed to be done by the 1st respondent.

4. In my view the petitioner has not made out a case for entertaining the writ petition. It is now obvious that permit which has been granted is also issued and service has become operational. The remedy available to the petitioner is to prefer a revision under Section 90 of the Motor Vehicles Act. Petitioner

has not made out any extra-ordinary situation warranting interference of this Court under Article 226 of the Constitution bypassing the statutory remedies. Therefore without prejudice to the contentions and the rights, if any, that is available to pursue the statutory remedies, I dismiss this writ petition.

ANTONY DOMINIC
JUDGE

jan/-